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F.B.I. MAN CALLED KEY TO SPY TRIAL

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LOS ANGELES, June 9 — An idiosyncratic former agent of the Federal Bureau of Investigation is expected to offer crucial testimony early this week in the trial of a Soviet émigré couple accused of conspiring with him to pass secret intelligence documents to the Soviet Union.

The witness, Richard W. Miller, 48 years old, is the first F.B.I. agent ever accused of espionage. He will face a jury that has already heard testimony depicting him as a man who was told he was playing out of his league in the counterespionage game. Jurors also heard a tape of him as he told one of the émigrés she had stolen his heart and testimony and that he refused to exchange a pair of ill-fitting burgundy shoes because their color appealed to him.

Svetlana and Nikolay Ogorodnikov, the émigrés, are on trial in Federal District Court here on charges of conspiring with Mr. Miller to pass secret bureau documents to the Soviet intelligence service, the K.G.B.

Agent is 'Critical' Witness

Prosecutors concluding their case against the Ogorodnikovs have said Mr. Miller was probably their most "critical" witness and have said they planned to ask him "hundreds" of questions.

Mr. Miller faces his own trial on espionage charges later. He was dismissed from the F.B.I. after a 20-year career last October, hours before he and the Ogorodnikovs were separately arrested on charges they were conspirators in a spy scheme in which Mr. Miller would be paid \$65,000.

Prosecutors contend that Mrs. Ogorodnikov, 35, and her husband, 53, worked respectively as a seductress and a paymaster for the K.G.B. The Ogorodnikovs' trial was severed from Mr. Miller's trial by Judge David V. Kenyon, who is hearing the case in Federal district court here.

One of the prosecutors, Assistant United States Attorney Bruce G. Merritt, told Judge Kenyon a few days ago that he expected Mr. Miller's statements to be self-serving and added that Mr. Miller would "fabricate his whole story" if allowed the chance.

Mr. Merritt and Assistant United States Attorney Richard Kendall told the judge they thought they could get Mr. Miller to give "truthful and greatly incriminating" information about Mrs. Ogorodnikov, the key defendant. But they said they would try to cast doubt on Mr. Miller's assertion that he never passed classified documents to the Soviet couple.

The Ogorodnikovs' defense suffered an important setback on that issue on Friday when Judge Kenyon ruled that the prosecution could question Mr. Miller about admissions they said he made shortly after his arrest when, the Government has said, he conceded that he had passed some material to the couple.

Mr. Miller's lawyers have informed the Government that their client will deny passing any classified material. Brad D. Brian and Gregory P. Stone, the lawyers for Mrs. Ogorodnikov, had argued that testimony about what they called "prior inconsistent statements" would be "inadmissible hearsay" that could be severely damaging to their case.

The Government earlier in the case was forced to drop charges that the Ogorodnikovs had actually received and aided in the passing of classified information, leaving conspiracy to commit espionage as the only espionage charge against them. Mr. Miller, however, is still charged with passing classified information in addition to espionage conspiracy. The conspiracy count is punishable by life in prison.

Accusations of Bribery

In addition, the Ogorodnikovs are accused of bribery of a public official and Mr. Miller is charged with receiving a bribe. Among the evidence is a \$675 Burberry trench coat prosecutors say Mrs. Ogorodnikov had a store put aside for Mr. Miller. Mark Whitney White, a salesman at a Los Angeles clothing store, testified that he had shown the coat last September to Mr. Miller and Mrs. Ogorodnikov.

Another prosecution witness, Tali Famamand, the manager of a Los Angeles shoe store, testified that Mr. Miller had come to her store with Mrs. Ogorodnikov to exchange a pair of shoes, complaining that they were uncomfortable. Informed that the shoes in the wine shade were unavailable in another size, Mr. Miller decided to keep the shoes, she said. The prosecution maintains the coat and shoes were to be gifts from the defendant to Mr. Miller to wear at a planned meeting with K.G.B. officials in Europe.

'I Know This Heart'

The prosecution, which says Mr. Miller and Mrs. Ogorodnikov were having an affair, has played tapes of Mr. Miller and Mrs. Ogorodnikov together, including one in which Mr. Miller was heard to tell her "you have stolen my heart." Mrs. Ogorodnikov replied, according to the tape, "Well, I know this heart. It's my job."

Prosecutors also introduced as a key witness another former F.B.I. counterintelligence agent, John E. Hunt, who told the jury he had warned Mr. Miller that he was out of his depth in dealing with Mrs. Ogorodnikov. Mrs. Ogorodnikov has contended that she had an affair with Mr. Hunt. Mr. Hunt has denied it.

Prosecutors also introduced a series of F.B.I. agents who testified about the movements of the Ogorodnikovs and Mr. Miller, as well as efforts to watch officials of the Soviet consulate in San Francisco. One of the officials, Aleksandr Grishin, is an unindicted co-conspirator in the case.